

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
LightSquared, Inc. Petition for Declaratory Ruling) IB Docket No. 11-109
) ET Docket No. 10-142
)
)

COMMENTS IN OPPOSITION OF THE UTILITIES TELECOM COUNCIL

Pursuant to Section 1.405 of the Commission’s Rules, the Utilities Telecom Council (“UTC”) hereby files its comments in response to the Commission’s Public Notice in the above-referenced matter.¹ UTC respectfully opposes LightSquared’s Petition for Declaratory Ruling because it seeks to avoid mitigating interference that it may cause to GPS devices, notwithstanding conditions in its waiver which require LightSquared to address concerns about potential interference to GPS.² While LightSquared has attempted to mitigate potential interference to GPS, the NTIA recently concluded that “there are no mitigation strategies that both solve the interference issues and provide LightSquared with an adequate commercial network deployment.”³ In response to the *NTIA Letter*, the FCC has proposed to “suspend indefinitely LightSquared’s underlying ATC authorization, first granted in 2004, to an extent consistent with the *NTIA Letter*.”⁴ Clearly, LightSquared has been unable to meet the conditions of its waiver, and it is seeking to circumvent them through its Petition for Declaratory Ruling.

¹ *International Bureau Establishes Pleading Cycle for LightSquared Petition for Declaratory Ruling*, Public Notice, IB Docket No. 11-109 and ET Docket No. 10-142, DA 12-103 (rel. Jan. 27, 2012).

² See *LightSquared Subsidiary, LLC*, 26 FCC Rcd. 566 at ¶41 (2011) (stating, “[a]s a condition of granting this waiver, the process described below addressing the interference concerns regarding GPS must be completed to the Commission’s satisfaction before LightSquared commences offering commercial service pursuant to this waiver on its L-band MSS frequencies.”)

³ Letter from Lawrence E. Strickling, Assistant Secretary NTIA, to Julius Genachowski, Chairman FCC in Docket IB Docket No. 11-109 and ET Docket No. 10-142 at 7 (filed Feb. 14, 2012), available at http://www.ntia.doc.gov/files/ntia/publications/lightsquared_letter_to_chairman_genachowski_-_feb_14_2012.pdf (“*NTIA Letter*”).

⁴ *International Bureau Invites Comment on a Letter Regarding LightSquared Conditional Waiver*, Public Notice, DA 12-214, 2012 WL 507903 at 3 (Feb. 15, 2012).

Introduction and Background

UTC is the international trade association for the telecommunications and information technology interests of electric, gas and water utilities and other critical infrastructure industries (CII). UTC's members include all types of utilities from large investor-owned utilities that serve millions of customers across multi-state service territories to relatively small rural cooperative utilities and municipal utilities that may only serve a few thousand customers in remote, insular and sparsely populated areas. These member companies all use communications to support their core mission of delivering essential services to the public safely, securely and efficiently. As such, UTC has advocated for policies that promote and protect utility communications, and it is pleased to offer its comments in this proceeding to provide the perspective of utilities and CII on the need to protect GPS-enabled devices from interference from LightSquared's ATC operations.

I. Utilities and Critical Infrastructure Industries Rely on GPS-enabled Applications, Which Must Be Protected from Interference by LightSquared's ATC Operations.

UTC opposes the relief sought by LightSquared because utilities and other critical infrastructure industries rely extensively on GPS for a variety of applications, which could be significantly impacted if there was interference from LightSquared operations. These applications include teleprotection systems that rely on GPS for time stamping of events, and synchrophasors that utilities will increasingly use for wide area situational awareness. Voice and data communications could also be affected to the extent that they rely on GPS for synchronization of traffic. Other applications include unmanned aerial vehicles, which utilities will increasingly use for inventories and inspection of power lines and which rely on GPS for flight control. Interference to these GPS-enabled applications would have serious consequences for the safety and reliability of the underlying electric, gas and water services that they help to support.

Regardless of whether GPS should be blamed for the interference problem, the reality is that GPS is simply too important to the reliability of utility and other critical infrastructure operations, as well as other industries and national defense. LightSquared cannot turn a blind-eye to the problem, nor should the FCC allow it to do so. LightSquared was well-aware or should have been well-aware of the potential

GPS interference problem when it decided to conduct ancillary terrestrial component (ATC) operations using its 1525-1599 MHz mobile satellite service (MSS) spectrum. The comments that were filed on the record provided ample notice that a potential problem existed, and of course, the FCC imposed conditions to the waiver, based on the interference concerns that were raised on the record by GPS stakeholders. Therefore, LightSquared must be responsible for protecting GPS operations from interference, consistent with the conditions set by the FCC in its waiver.

The relief that LightSquared requests would have far-reaching implications beyond the immediate situation, and should be addressed – if at all -- in a separate proceeding. Fundamentally, the issue is one of receiver standards, which the FCC has considered before. It should not be taken up in the narrow context of LightSquared's waiver. Moreover, there are serious operational and cost issues that should be considered as part of any decision to impose receiver standards to any service, including GPS. Ultimately, it is the FCC's decision whether to take up a rulemaking to address the broader implications of the relief that LightSquared is seeking, but the FCC should not address it in the narrow context of LightSquared's waiver.

CONCLUSION

In conclusion, UTC reiterates its opposition to the Petition, and urges the Commission to deny the petition and require LightSquared to address the potential for interference to GPS operations. UTC looks forward to working with Commission on this issue going forward.

Respectfully submitted,

Utilities Telecom Council

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